

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION

FERAS JUBEH,

Plaintiff,

v.

Case No. 8:23-cv-01363-KKM-AAS

SECRETARY ALEJANDRO N.  
MAYORKAS, et al.

Defendants.

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**ORDER**

On March 21, 2022, Plaintiff Feras Jubeh filed a Form N-400, Application for Naturalization, with U.S. Citizenship and Immigration Services (“USCIS”). Mot. to Remand (Doc. 7) at 1. USCIS interviewed Jubeh on November 14, 2022, but never acted on the application. *Id.* On June 19, 2023, Jubeh filed suit in this Court, seeking to compel the federal government to adjudicate his application. Compl. (Doc. 1) at 7.

Under the applicable federal statute, 8 U.S.C. § 1447(b), an applicant for naturalization “may apply to the United States district court for the district in which the applicant resides for a hearing” if USCIS fails to act on an application “before the end of the 120-day period after the date on which the examination is conducted under [8 U.S.C.

§ 1446].” The Court may then “either determine the matter or remand the matter, with appropriate instructions, to [USCIS].” *Id.*

The Parties jointly move to remand to USCIS so that the agency can adjudicate Plaintiff’s pending application. Joint Mot. to Remand (Doc. 7). The Court agrees that remand is appropriate. *See I.N.S. v. Orlando Ventura*, 537 U.S. 12, 16–17 (2002) (“Generally speaking, a court of appeals should remand a case to an agency for decision of a matter that statutes place primarily in agency hands. This principle has obvious importance in the immigration context.”).

Accordingly, the Clerk is directed to **STAY** and **ADMINISTRATIVELY CLOSE** this case. Jubeh’s Application for Naturalization is **REMANDED** to USCIS, which is **ORDERED** to enter a decision on the Application within **45 days** of this order. If USCIS fails to do so, Jubeh may move to reopen this action.

**ORDERED** in Tampa, Florida, on July 7, 2023.

  
Kathryn Kimball Mizelle  
United States District Judge